

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

**United States of America**

*v.*

**Kevin L. Kirton**

Criminal Action No.

1:19-CR-022-WMR

**Motion for Downward Departure under  
Rule 5K1.1 of the United States Sentencing Guidelines**

The United States of America, by Kurt R. Erskine, United States Attorney, and Samir Kaushal, Assistant United States Attorney for the Northern District of Georgia, moves for a downward departure for defendant Kevin L. Kirton under Rule 5K1.1 of the United States Sentencing Guidelines. The government is seeking a one-level downward departure from the total offense level as calculated in the Presentence Investigation Report (“PSR”). In support, the government states:

1. Kirton provided credible information on potential criminal conduct that assisted the government in obtaining a search warrant. The information Kirton provided was determined to be truthful, complete, and reliable by law enforcement.

2. In the government’s view, Kirton’s cooperation efforts constitute substantial assistance under USSG § 5K1.1. The government, pursuant

to paragraph 17 of the Plea Agreement, respectfully requests that the Court downwardly depart one level under USSG § 5K1.1.

Respectfully submitted,

KURT R. ERSKINE

*United States Attorney*

/s/ SAMIR KAUSHAL

*Assistant United States Attorney*

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**Certificate of Service**

The United States Attorney's Office served this document today by filing it using the Court's CM/ECF system, which automatically notifies the parties and counsel of record.

Emily Strongwater

*Attorney for Kevin L. Kirton*

January 21, 2022

/s/ SAMIR KAUSHAL

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SAMIR KAUSHAL

*Assistant United States Attorney*